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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Rene R. Oblitas,

Plaintiff

v.

Nancy A. Berryhill, Acting Commissioner of
Social Security,

Defendant

Case No.: 2:17-cv-02420-JAD-VCF

**Order Adopting Report and
Recommendation, Granting Motion for
Remand, and Denying Cross Motion to
Affirm**

[ECF Nos. 17, 20]

Counseled plaintiff Rene R. Oblitas was denied social security disability benefits.¹ His request for reconsideration was denied. After a de novo hearing, an administrative law judge found that Oblitas suffered from multiple physical impairments but was not disabled during the relevant timeframe and denied him benefits.² Oblitas moves to reverse or remand this case to the Social Security Administration for further proceedings,³ and the Commissioner cross moves to affirm the administrative law judge's decision.⁴

Magistrate Judge Cam Ferenbach reviewed the parties' motions and recommends that I grant Oblitas's motion to reverse or remand, deny the Commissioner's cross motion to affirm, and remand this case to the Social Security Administration for a calculation of benefits.⁵ Judge Ferenbach issued his report and recommendation on July 17, 2018, making July 31, 2018, the deadline to file objections. That deadline has expired and no objections have been filed. "[N]o

¹ ECF No. 4.

² *Id.*

³ ECF No. 17.


⁴ ECF No. 20.

⁵ ECF No. 22.

1 review is required of a magistrate judge's report and recommendation unless objections are
2 filed."⁶

3 Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Ferenbach's report and
4 recommendation [ECF No. 22] is **ACCEPTED and ADOPTED**. Oblitas's motion to reverse or
5 remand [ECF No. 17] is **GRANTED**, the Commissioner's cross motion to affirm [ECF No. 20]
6 is **DENIED**, and this case is **REMANDED to the Social Security Administration for a**
7 **calculation of benefits**. The Clerk of Court is directed to **ENTER JUDGMENT accordingly**
8 and **CLOSE THIS CASE**.

9 Dated: August 2, 2018

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11 U.S. District Judge Jennifer A. Dorsey
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27 ⁶ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
28 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).